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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ding et al.
Patent No.: 7,011,872
Issued: March 14, 2006
Title: METHOD AND PROCESS FOR ENHANCING PROPERTIES AND
MEDICAL TUBING PERFORMANCE IN A POLYBUTADIENE MATERIAL
Docket No.: NPVC-5797 (112713-739)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REVISION TO PATENT
TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)**

Sir:

Applicants hereby request revision of the Patent Term Adjustment (PTA) for U.S. Patent No. 7,011,872 which issued on March 14, 2006. This Request is submitted with a check for \$200 and within two months of the patent issue date in accordance with 37 C.F.R. §1.705(d). To the extent that any additional fees are due and owing for this Application, the Commissioner is hereby authorized to charge them to Applicants' undersigned attorney's Deposit Account, 02-1818.

The Issue Notification mailed on February 22, 2006, set forth a 258 day PTA. Applicants have reviewed this PTA and hereby request that this determination be adjusted to 498 days. The reasons for this revision are set forth below.

The PTA was based on the following calculation.

USPTO Delay	- Applicant Delay	= Total PTA
567 days	309 days	258 days

In determining the Applicant Delay, the Patent Office included a 120 day delay based on a Rule 1.312 Amendment (312 Amendment) filed by Applicant on July 15, 2005. Applicants'

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312 Amendment, however, was actually a *Response to Examiner Initiated Telephone Interview* (set forth at Tab 1) and was submitted to the USPTO on April 21, 2005. This 312 Amendment was submitted in response the Examiner's request for an amendment to the specification during a telephone interview on April 20, 2005. *See Examiner Interview Summary Record* dated April 20, 2005 set forth at Tab 2. The Examiner requested this amendment to the specification after issuance of the Notice of Allowance mailed on January 12, 2005. As the 312 Amendment was requested by the USPTO, Applicants respectfully submit that the 120 day delay resulting from the 312 Amendment be attributed to the USPTO Delay. Consequently, Applicants submit that the PTA be revised as follows.

USPTO Delay	- Applicant Delay	= Total PTA
687 days (567 + 120)	189 days (309 - 120)	498 days

Applicants' Request for Revision under 37 C.F.R. §1.705(d) is timely as 1) the Notice of Allowance mailed on January 12, 2005 provided no PTA, and 2) the USPTO's request upon Applicants to amend the specification occurred after the mailing of the Notice of Allowance and after Applicants' payment of the issue fee on April 19, 2005.

Applicants also note that this patent is not subject to a terminal disclaimer and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Ted J. Barthel
Reg. No. 48,769
Customer No. 29200

Dated: March 16, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ding et al.
Appl. No.: 09/939,294
Conf. No.: 2541
Filed: August 24, 2001
Title: METHOD AND PROCESS FOR ENHANCING PROPERTIES AND
MEDICAL TUBING PERFORMANCE IN A POLYBUTADIENE MATERIAL
Art Unit: 1772
Examiner: Sandra Nolan-Rayford
Docket No.: NPVC-5797 (112713-739)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER INITIATED
TELEPHONE INTERVIEW**

Sir:

This Paper is submitted in response to a telephone interview initiated by Examiner Nolan-Rayford on April 20, 2005.

Remarks begin on page 2 of this paper.

REMARKS

This Paper is submitted in response to a telephone interview initiated by Examiner Nolan-Rayford. Examiner Nolan-Rayford contacted the undersigned attorney for Applicants on April 20, 2005. The telephone interview was directed to a proposed Examiner's Amendment to correct minor formatting and clerical infirmities of the present application. Examiner Nolan-Rayford and the undersigned attorney for Applicants agreed to the proposed Examiner's Amendment.

Applicants approve the proposed Examiner's Amendment as follows.

1. Applicants approve the deletion of the graph on p. 17 of the application. Applicants provide herewith FIG. 7 which depicts the graph formerly disclosed at p. 17 of the application.
2. Applicants approve of the following text inserted at p. 4 line 7 of the specification.

FIG. 7 shows tensile curves for 1,2-
polybutadiene and flexible PVC
tubing.

3. Applicants approve of the amendments to the paragraph at p. 17 lines 3-12 of the specification. In particular, Applicants approve the deletion of the term "FIG.-X" and replacement thereof with "FIG. 7" at p. 17 line 4 and at p. 17 line 7.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is in a condition for issuance.

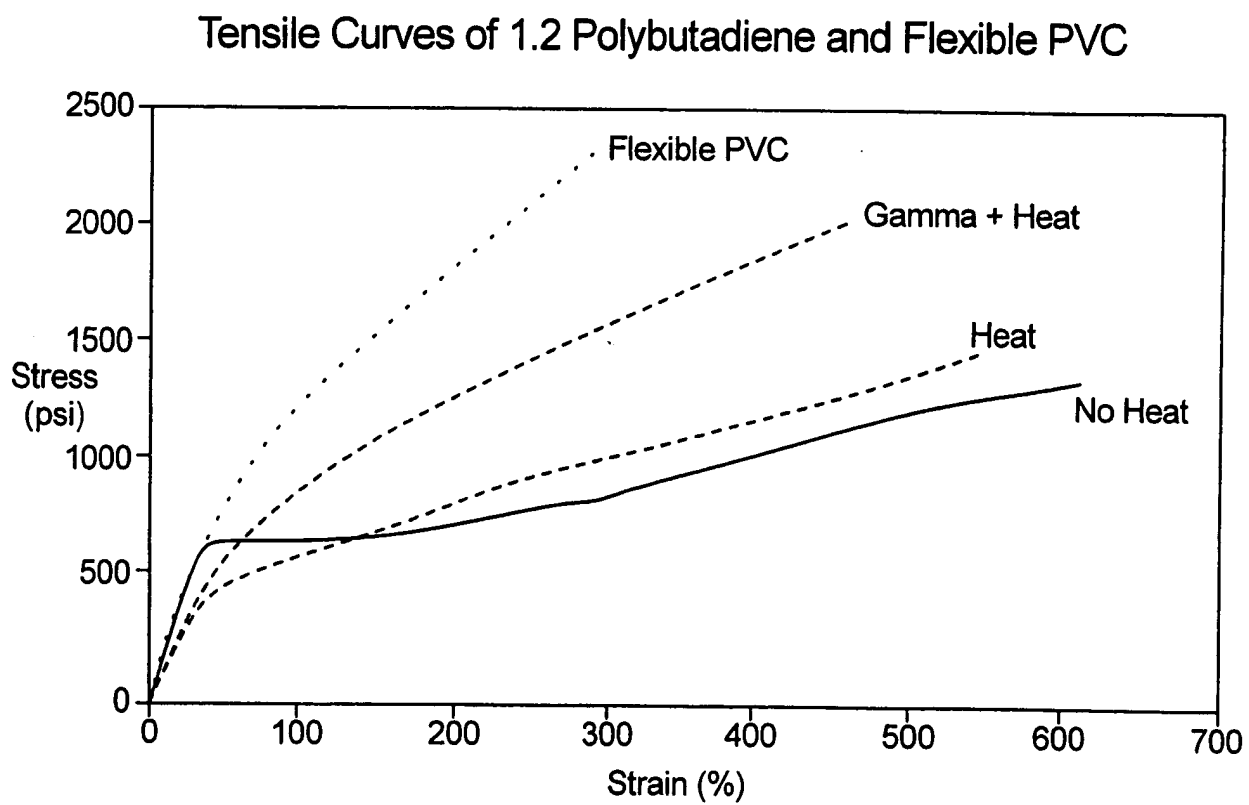
Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: April 21, 2004

BY 

Ted J. Barthel, Reg. No. 48,769
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 578-6846

FIG. 7



CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Ding et al.

Docket No.

NPVC-5797 (112713-739)

Application No.

09/939,294

Filing Date

August 24, 2001

Examiner

Sandra Nolan-Rayford

Group Art Unit

1772

Invention:

**METHOD AND PROCESS FOR ENHANCING PROPERTIES AND MEDICAL TUBING PERFORMANCE
IN A POLYBUTADIENE MATERIAL**

I hereby certify that this Response to Examiner Initiated Telephone Interview and 1 Drawing Sheet (Fig. 7)
(Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-1495)

on April 21, 2005

(Date)

Rolanda D. Teague

(Typed or Printed Name of Person Signing Certificate)

Rolanda D. Teague

(Signature)

Note: Each paper must have its own certificate of mailing.

TRANSMITTAL LETTER
(General Patent Pending)

Docket No.
NPVC-5797 (112713-739)

In Re Application Of: Ding et al.

MAR 20 2006

Application No.

09/939,294

Filing Date

August 24, 2001

Examiner

Sandra Nolan-Rayford

Customer No.

29200

Group Art Unit

1772

Confirmation No.

2541

Title: **METHOD AND PROCESS FOR ENHANCING PROPERTIES & MEDICAL TUBING PERFORMANCE IN A POLYBUTADIENE MATERIAL**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Request for Revision to Patent Term Adjustment (2 pgs.); Check in the amount of \$200.00; and return receipt postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$200.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Ted J. Barthel
Reg. No. 48,769
Cust. No. 29200

Dated: March 16, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

3/16/2006

(Date)


Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence

cc:

BELL, BOYD & LLOYD LLC

IP Department
P.O. Box 1135
Chicago, Illinois 60690-1135
USA

312-372-1121
312-827-8185 FAX

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FAX COVER SHEET

Date April 21, 2005

Total Number of Pages 5 (Including this page)

To	Company	City	Fax Number	Phone Number
Examiner Nolan-Rayford	United States Patent and Trademark Office	Alexandria	(571) 273-1495	

From Ted J. Barthel

Phone 312-578-6846

Direct Fax 312-345-9985

Client/Matter Number 0112713-00739

Message

If this transmission is incomplete, please call 312-558-6294.

This document is intended only for the addressee(s) named above and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Any use, dissemination or copying of this communication other than by the addressee is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us by mail. Thank you.

**** Transmit Conf. Report ****

P.1

Apr 21 2005 10:01

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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Date

April 21, 2005

Total Number of Pages

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To	Company	City	Fax Number	Phone Number
Examiner Nolan-Rayford	United States Patent and Trademark Office	Alexandria	(571) 273-1495	

From	Ted J. Barthel
Phone	312-578-6846
Direct Fax	312-345-9985
Client/Matter Number	0112713-00739

Message



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,294	08/24/2001	Yuan-pang Samuel Ding	1417Y P 524 (NPVC-5797)	2541

7590 07/15/2005
MARK J. BUONAIUTO, ESQ.
BAXTER INTERNATIONAL INC.
LAW DEPARTMENT
ONE BAXTER PARKWAY, DF2-2E
DEERFIELD, IL 60015

EXAMINER

RAYFORD, SANDRA M

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/939,294

Examiner

Sandra M. Nolan-Rayford

Applicant(s)

DING ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Printer Rush query dated 22 March 2005 and Applicants' fax of 21 April 2005.
2. ☒ The allowed claim(s) is/are 1-3, 7-34, 37-85 and 91-95.
3. ☒ The drawings filed on 24 August 2001 and 21 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050418.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4-28-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other FIG 7.

S. M. Nolan-Rayford
SANDRA NOLAN RAYFORD
PRIMARY EXAMINER

SUPPLEMENTAL EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Ted J. Barthel (312/578.6846) on 20 April 2005.

Amendments to the Specification

3. The application has been amended as follows:

In the Specification

At page 4, at line 17, the following has been inserted:

-- FIG. 7 shows tensile curves for 1,2-polybutadiene and flexible PVC tubing. --.

At page 17, at the top of the page, the graph has been deleted. [That is, everything above the line "Example-6. . . . polybutadiene." has been deleted.]

At page 17, line 4, after "tubing.", "FIG.-X" has been replaced with -- FIG. 7 --.

At page 17, line 7, after "treatment.", "FIG.-X" has been replaced with -- FIG. 7 --.

Amendments to the Drawings

4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

A new "FIG. 7", showing the material deleted from the top of page 17 of the specification, has been added.

Fig. 7 is an attachment to the Supplemental Notice of Allowance.

Art Unit: 1772

Reasons for Allowance


6. The reasons for allowance in the action dated 12 January 2005 are unchanged.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

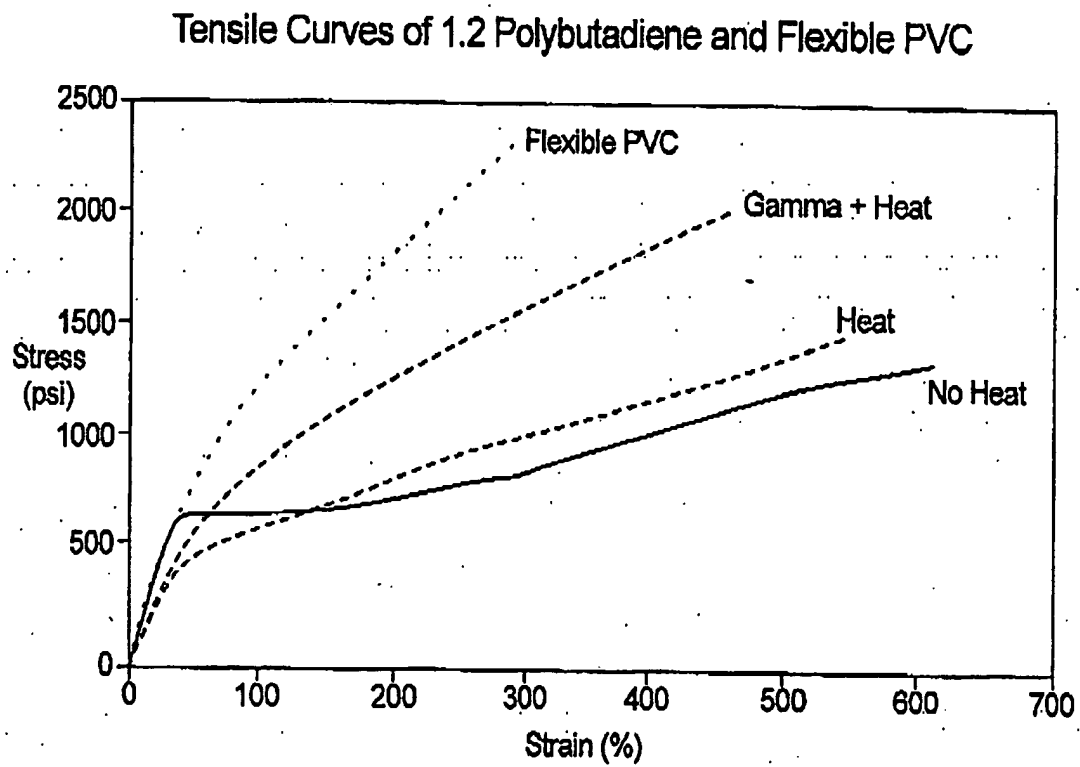
The fax number for patent application documents is 703/872-9306.


S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

09939294(20050418)

**SANDRA NOLAN RAYFORD
PRIMARY EXAMINER**

FIG. 7



Examiner-Initiated Interview Summary

09/939,294

DING ET AL.

Examiner

Art Unit

Sandra M. Nolan-Rayford

1772

All Participants:**Status of Application:** Allowed(1) Sandra M. Nolan.

(3) _____

(2) Ted J. Barthel (312/578.6846).

(4) _____

Date of Interview: 20 April 2005**Time:** _____**Type of Interview:**

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.**Rejection(s) discussed:**

None

Claims discussed:

None

Prior art documents discussed:

None

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:***See the Examiner's Amendment.***Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

S.M. Nolan-Rayford
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)